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REMARKS

Generally

To anticipate a claim, the reference must teach every element of the claim. MPEP 2131.01. In rejecting most claims in the application, the Office Action (OA) mischaracterizes the technology disclosed by the references:

- U.S. Patent No. 5,701,400 Method and Apparatus for Applying If-Then-Else Rules ..., to Amado [AMADO];
- U.S. Patent No. 5,995,959 Method and System for Network information access to Friedman et al. [FRIEDMAN];
- Banks and Lizza in *Pilot's Associate – A Cooperative Knowledge-Based System Application*, DARPA Strategic Initiative, IEEE Expert, June 1991 [BANKS]; and
- U.S. Patent No. 5,809,212 Conditional Transitions Networks and Computational Processes for Use Interactive Computer-Based Systems, to Shasha [SHASHA]

to find claim elements not present in the references.

NOTE: The undersigned has attempted to apply the following convention to quoted portions of the OA, references, and application:

- Courier New font for the OA;
- Underlined Courier New font for references; and
- *Italics Times New Roman font for the application.*

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Regarding Rejection of Claims 1-11 and 13-26 Under 35 U.S.C. § 101 for Statutory Double Patenting.

The OA asserts:

Claims 1-11 and 13-26 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-11, 14-27 of copending Application No. 09/598,750. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

To establish this type of double patenting, it must be shown that the claims in the copending application and the present application cannot be literally infringed without literally infringing one another. *See In re Vogel*, 422 F.2d 438, 164 USPQ 619 (C.C.P.A 1970). The current rejection lacks the necessary literal infringement analysis. The undersigned requests that the rejection be withdrawn because a *prima facie* case of "same invention" double patenting has not been made in the fashion required under *In re Vogel*.

Regarding Rejection of Claims 17-22 Under 35 U.S.C. § 101 as Directed to Nonstatutory Subject Matter.

The OA asserts:

Claims 17-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts;
and

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advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, claim 17 does not recite, apply or involve, use or advance the technological arts and does not produce a useful, concrete, and tangible result. Claim 17 is, therefore rejected under U.S.C. 35 101, and similar reasoning holds for dependent claims 18-22.

The undersigned consulted the Manual of Patent Examining Procedure (MPEP), applicable case law, and the PTO's own training materials regarding 35 USC 101 – none of which call for the test applied by the Examiner; and each of which call for test that the presently rejected claims comply with. The undersigned requests that either this rejection be withdrawn, or a valid constitutional, statutory, case law, or regulatory basis for the two-prong test be identified.

The applicable test derives from *In re Alappat*, 31 USPQ2d 1545 (Fed. Cir. 1994) and *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 47 USPQ2d 1596 (Fed. Cir. 1998); i.e., the claimed invention is required to produce a useful, concrete, and tangible result. Specifically, the *plan* in Claim 17, and claims dependent thereon, is a useful, concrete, and tangible result.

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Regarding the Claim Rejections Under 35 U.S.C. § 103 as Unpatentable Over AMADO in View of FRIEDMAN.

Regarding Claim 1 and claims dependent thereon, AMADO and FRIEDMAN do not teach every element of Claim 1.

The OA asserts that AMADO discloses a system for:

evaluating or determining business unit goals ... (OA P05L14).

AMADO discloses no such thing - AMADO discloses:

Auditing daily operations at companies with **pre-defined** measurable **goals** for each business unit. (AMADO C21L01-03 – emphasis added).

Auditing operations at companies with pre-defined measurable goals is not the same as determining goals (not simply determining progress toward pre-defined goals) as claimed.

The OA misquotes AMADO as disclosing:

a system for 'handling or managing importing or collecting and exporting or distributing' data relating to above discussed business processes. (OA P05L20-21)

AMADO contains no disclosure regarding the collection and distribution of data - importing and exporting do not equate to equate to *collects and distributes* as claimed.

The OA misquotes AMADO as disclosing "finding or determining unit goals" (OA P05L21). Again, AMADO contains no such disclosure regarding the determination of goals. In fact, AMADO explicitly identifies pre-determined ("pre-defined") goals (AMADO C21L02).

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limitation is not disclosed by the references, the undersigned respectfully requests that the rejection be withdrawn.

Regarding Claim 9, AMADO and FRIEDMAN do not teach every element of the claim.

The OA asserts:

Amado Col 12, line 60 through col 12 (sic, likely 13), line 4, wherein using script language indicating reference's teaching "scripts" and scripts have "action instructions or sequence of fully or partially specified actions" and a user would store said scripts into above discussed knowledge base

First, the OA misquotes either AMADO or the present application – neither includes the quoted phrase. The referenced portions of AMADO do not disclose scripts that “*comprise a sequence of fully or partially specified actions,*” as claimed in the present application. In the referenced portions, AMADO discloses:

The Smart Elements for Windows™ object-oriented tool by Neuron Data Inc. of Palo Alto Calif. is an object-oriented development environment for creating strategic knowledge-based applications with GUIs. Integrates object and Me-oriented elements of Neuron Data's Nexpert Object V.3.0 with cross-platform GUI design element of Neuron Data Open Interface. Integrates elements using extensible Script language that lets developers define behavior of application interface and link screen elements to application objects. Provides a superset of interface objects, called widgets, available across all native windowing environments.

Note that AMADO discloses the use of scripts to define behavior of application interface and link screen elements to application

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that at least this claim limitation is not disclosed by the references, the undersigned respectfully requests that the rejection be withdrawn.

Regarding Claim 10, AMADO and FRIEDMAN do not teach every element of the claim.

The OA asserts:

Amado: Col. 2, lines 52-65, wherein inference engine providing mechanism for interpreting rules indicating reference's teaching the claimed limitation

The claimed limitation is "*wherein the inference engine includes an intent interpreter.*"

The cited section of AMADO discloses:

Expert Systems are computer programs that capture human expertise in problem solving in a small area, to provide automatic solutions to similar problems. Usually, these are written in a set of if/then rules, called a rule base or knowledge base. Expert systems building tools typically consist of (a) an interpretive language where the user may write his or her program statements and the conditions associated with those statements, (b) an inference engine, which provides the mechanism through which the expert rules are interpreted and fired, and (c) an executive front-end or expert shell, that helps users write application programs using the language, and that helps them run the expert applications developed, and that also helps them develop and query reports or the generated diagnostics.

In rejecting Claim 10 based on AMADO, the OA ignores the definition of *intent interpreter* given in the application at P12 L14-15, i.e.,

Intent Interpreter: an expert system that uses a knowledge base to determine the present intention of a user or a system.

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his or her program statements and the conditions associated with those statements. This "interpretation" is wholly unrelated to determining the intent of an operator or system using a knowledge base.

Regarding Claim 16, AMADO and FRIEDMAN do not teach every element of the claim.

In rejecting Claim 16 based in part on FRIEDMAN C16 L22-25, the OA ignores the definition of *partial order planner* and *least commitment planner* given in the application at P13 L07-08, i.e.,

Partial Order Planner: a process that generates a partially ordered set of activities at the completion of the planning process;

and at P12 C20 - P13 C04, i.e.,

Least Commitment Planner: a process that generates a plan that avoids making a choice between two or more alternate courses of action unless it is necessary to do so. A least commitment planner avoids definitizing any particular sub-element of a plan beyond the minimum necessary to determine likely success. Final definitization of the primitive steps is deferred until just prior to the execution of each plan sub-element by a plan execution agent.

Specifically, a "sound, complete, partial order planner" (as cited in FRIEDMAN) is not a *least commitment planner*. A partial order planner is different from a least commitment planner. "Ordering" refers to the degree to which the planner sequences the elements of the plan. "Full order" means fully sequenced (e.g., A1, then A2, then A3, then A4, etc.) "Partial order" means that the planner might know that A1 must precede A4, and that the rest will be done whenever. "Least commitment" refers to the planner's reluctance to commit (i.e., execute) any plan until it is necessary to do so (i.e., until the time is right).

Regarding Claim 17 and claims dependent thereon, AMADO and FRIEDMAN do not teach every

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Amado: Col. 21, lines 1-23, wherein auditing company's operation for finding business units goals indicating evaluating or determining business units goals and company encompassing supply chain, business units encompassing partners or participants thereof.

AMADO discloses no such thing - AMADO discloses:

Auditing daily operations at companies with **pre-defined** measurable **goals** for each business unit. (AMADO C21L01-03 – emphasis added).

Auditing operations at companies with pre-defined measurable goals is not the same as determining goals as claimed. Further, AMADO contains no disclosure regarding the determination of goals. AMADO contains no disclosure regarding the determination of goals. In fact, AMADO explicitly identifies pre-determined (pre-defined) goals (AMADO C21L02).

In summary, because neither AMADO nor FRIEDMAN discloses a *determining a goal* and *using a knowledge base to create a plan*, the OA fails to state a *prima facie* case of obviousness under 35 USC §103. In light of the fact that these claim limitation are not disclosed by the references, the undersigned respectfully requests that the rejection be withdrawn.

Regarding Claim 18 and claims dependent thereon, AMADO and FRIEDMAN do not teach every element of the claim.

In rejecting Claim 18 based, in part, on FRIEDMAN C16 L17-26, the OA ignores the definition of *partial order planner* and *least commitment planner* given in the application at P13 L07-08, i.e.,

Partial Order Planner: a process that generates a partially ordered set of activities at the completion of the planning process;

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is deferred until just prior to the execution of each plan sub-element by a plan execution agent.

Specifically, a sound, complete, partial order planner (as cited in FRIEDMAN) is not a *least commitment planner*. A partial order planner is different from a least commitment planner. "Ordering" refers to the degree to which the planner sequences the elements of the plan. "Full order" means fully sequenced (e.g., A1, then A2, then A3, then A4, etc.) "Partial order" means that the planner might know that A1 must precede A4, and that the rest will be done whenever. "Least commitment" refers to the planner's reluctance to commit (i.e., execute) any plan until it is necessary to do so (i.e., until the time is right).

Regarding Claim 19, AMADO and FRIEDMAN do not teach every element of the claim.

In rejecting Claim 19 based, in part, on FRIEDMAN C16 L22-25, the OA ignores the definition of *partial order planner* and *least commitment planner* given in the application at P13 L07-08, i.e.,

Partial Order Planner: a process that generates a partially ordered set of activities at the completion of the planning process;

and at P12 L20 - P13 L04, i.e.,

Least Commitment Planner: a process that generates a plan that avoids making a choice between two or more alternate courses of action unless it is necessary to do so. A least commitment planner avoids definitizing any particular sub-element of a plan beyond the minimum necessary to determine likely success. Final definitization of the primitive steps is deferred until just prior to the execution of each plan sub-element by a plan execution agent.

Specifically, a sound, complete, partial order planner (as cited in FRIEDMAN) is not a *least commitment planner*. A partial order planner is different from a least

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Regarding Claim 23 and claims dependent thereon, AMADO and FRIEDMAN do not teach every element of the claim.

With regard to the first clause of Claim 23, i.e., *a plurality of intelligent agents*, the OA asserts:

Amado: Col. 1, lines 30-41, wherein reference's use of intelligent databases, intelligent user interfaces and automated discovering tools, such as database miners indicating availability of functions performing automated actions or functions as "intelligent agents."

At the cited portion, AMADO discloses:

Heretofore, no instruments have been involved in a similar idea as that dealt with in the invention. However, its individual elements respond to prior art in the following areas: decision-support software and executive information systems, expert systems and expert system building tools, fuzzy systems, weighting schemes in expert systems, neural networks, tools integrating expert systems and neural networks, genetic algorithms and classifier systems, tools integrating expert systems and databases, intelligent databases and object-oriented databases, intelligent user interfaces, and knowledge acquisition and automatic discovery tools such as database miners.

At the cited portion, or any other portion, AMADO does not disclose that intelligent databases, intelligent user interfaces, or knowledge acquisition and automatic discovery tools such as database miners are equivalent to intelligent agents. Without such a link, the OA does not state a prima facie case of obviousness for Claim 23.

With regard to the remaining clauses of Claim 23, the remarks directed to Claim 1 apply. Because neither AMADO nor FRIEDMAN discloses either *a plurality of intelligent agents*, or a

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Regarding Claim 25 and claims dependent thereon, AMADO and FRIEDMAN do not teach every element of the claim.

The OA re-asserts the rejections against Claims 23a) and 10 above in rejecting Claim 25. The undersigned requests that this rejection be withdrawn for the same reasons given in the Remarks pertaining to Claims 10 and 23 above.

Regarding Claim 26 AMADO and FRIEDMAN do not teach every element of the claim.

The OA asserts that checking for duplicated instances of steps in a plan of a single user, as disclosed in FRIEDMAN, anticipates the detection of conflicts among users, as claimed in the application. The checking for duplication in FRIEDMAN is not equivalent to checking for conflict among the plans of several users, as claimed in the application. Duplication in FRIEDMAN is not a matter of conflict, but a matter of procedure optimization. See FRIEDMAN C14 L01. Optimizing Friedman's search plan is not the same as detecting conflicts among the plans of separate instances of the present invention.

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Regarding the Claim Rejections Under 35 U.S.C. § 103 as Unpatentable Over AMADO in View of BANKS.

Regarding Claim 2 as unpatentable over AMADO in view of BANKS.

The OA asserts that BANKS' use of plan goal graphs can be combined with AMADO's use of a knowledge base to render Claim 2 obvious. Neither BANKS nor AMADO teaches the use of plan goal graphs in conjunction with a knowledge base as claimed.

BANKS teaches the use of a plan-goal graph as an integration or data dictionary mechanism, not in conjunction with a knowledge base. In other words, BANKS' system consists of a set of modules that exchange messages among themselves. These messages are based on the plan-goal graph. For example, one module might send the message instance "Aircraft #1 will attack Target #42," where "#1" and "#42" are specifics that the module filled in. The plan-goal graph would contain the generic plan "Aircraft ? will attack Target ?." BANKS teaches that the plan-goal graph is a way for a module designer to describe the messages that the module would send and to know (and design for) the messages that the module would receive.

For these reasons, the undersigned respectfully requests that the rejection be withdrawn.

Regarding Claim 3 and claims dependent thereon, as unpatentable over AMADO in view of BANKS.

The OA asserts that BANKS discloses one or more *concept graphs* included in the *knowledge base* (P23 C01 L25-28). At the referenced portion, BANKS states:

The need to continue the graph concept led to the development of automated tools to maintain and update its structure and dictionary.

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language dealing with system plans and goals proved necessary. However, updating graph information became cumbersome as development continued and as the functionality represented by the graph increased. The need to continue the graph concept led to the development of automated tools to maintain and update its structure and dictionary.

This clearly shows that graph concept does not refer to *concept graphs*, and clearly is not related to a *knowledge base*. For these reasons, the OA does not establish a *prima facie* case of obviousness with respect to Claim 3. The undersigned requests that the rejection be withdrawn.

Regarding Claim 4 and claims dependent thereon as unpatentable over AMADO in view of BANKS.

Claim 4 states:

4. *The system of Claim 3, wherein the inference engine creates one or more plan instances.*

The OA asserts

Amado: Col. 2, lines 52-65, wherein a user would employ or use cited inference engine to generate or create "plans or one or more instances thereof.

While the OA asserts that a user would employ or use cited inference engine to generate or create 'plans or one or more instances thereof, it is apparent that Claim 4 recites no such limitation. In the invention as claimed, the inference engine, not the user, creates one or more plan instances. That the OA speculates a user would create plan instances is not sufficient basis to support a rejection where the claim calls for

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Regarding Claim 6 and claims dependent thereon, as unpatentable over AMADO in view of
BANKS

The OA asserts

Amado: Col. 2, lines 52 through col. 3, line 3. Moreover, "commitment strategies are known since 1991 (Friedman et al: col. 18, {19} lines 40-42), inclusion of which is considered inherent at the time of applicant's invention.

The referenced portions of AMADO (nor any other sections of AMADO or FRIEDMAN or BANKS) do not disclose the management of life cycle states of plan instances according to a commitment level of a partial order planner. In fact, AMADO never uses the words "life cycle states," "commitment level," "plan instance," or "partial order planner" nor any plausible synonyms. Further, the OA also asserts that the title alone of a 1991 paper on commitment strategies indicates that commitment levels of a partial order planner are inherent in FRIEDMAN. This assertion clearly is not supportable.

For these reasons, the undersigned requests that the rejection be withdrawn.

Regarding Claim 7 and claims dependent thereon, as unpatentable over AMADO in view of
BANKS.

The OA asserts:

Amado teaches: inference engine, monitoring and life cycle states (as discussed above). Amado does not explicitly teach : concept graphs

However, Banks et al teach (Page 23, col. 1, lines 25-28). Although Banks et al's method relates to pilots, yet its application to various other endeavors such as commerce including supply chain is within the scope as indicated by

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et al teach knowledge based system application for enabling users to make decisions. Both are analogous.

It would have been obvious to one of ordinary skill in the business art at the time of applicant's invention to incorporate Banks et al's graphs into Friedman et al's invention, thereby achieving a real time interactive process control applications which is a dire desire and need of business endeavors..

First, the OA relies on an earlier assertion that AMADO discloses the use of an inference engine, monitoring, and life cycle states. The OA then cites BANKS for teaching concept graphs in order to state a case of obviousness against Claim 7. The OA fails to state a case of obviousness from at least three perspectives: 1) AMADO does not teach or suggest the alleged elements or their combined use - as explained above with respect to Claim 6; 2) BANKS does not teach or suggest concept graphs as claimed - as explained above with regard to Claim 3; and 3) even if BANKS did teach concept graphs as claimed, there is no teaching or suggestion to use concept graphs in the fashion claimed.

For these reasons, the undersigned requests that the rejection be withdrawn.

Regarding Claim 8 as unpatentable over AMADO in view of BANKS.

The OA asserts:

Amado: Col. 2, lines 52-65, wherein a user would use cited inference engine for claimed purpose.

While the OA asserts, "a user would use cited inference engine for the claimed purpose," it is apparent that Claim 8 recites no such limitation. Claim 8 explicitly recites a system... *wherein the inference engine determines what further processing ...* In the invention as claimed, the inference engine, not the user, determines further processing. Speculation as to what a user

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Regarding Claim 21 as unpatentable over AMADO in view of BANKS.

The OA asserts that BANKS' use of plan goal graphs can be combined with AMADO's use of a knowledge base to render Claim 2 obvious. Neither BANKS nor AMADO teaches the use of plan goal graphs in conjunction with a knowledge base as claimed.

BANKS teaches the use of a plan-goal graph as an integration or data dictionary mechanism, not in conjunction with a knowledge base. In other words, BANKS' system consists of a set of modules that exchange messages among themselves. These messages are based on the plan-goal graph. For example, one module might send the message instance "Aircraft #1 will attack Target #42," where "#1" and "#42" are specifics that the module filled in. The plan-goal graph would contain the generic plan "Aircraft ? will attack Target ?." BANKS teaches that the plan-goal graph is a way for a module designer to describe the messages that the module would send and to know (and design for) the messages that the module would receive.

For these reasons, the undersigned respectfully requests that the rejection be withdrawn.

Regarding Claim 22 as unpatentable over AMADO in view of BANKS.

The OA asserts that BANKS discloses one or more *concept graphs* included in the *knowledge base* (P23 C01 L25-28). At the referenced portion, BANKS states:

The need to continue the graph concept led to the development of automated tools to maintain and update its structure and dictionary.

Earlier in the reference paragraph, the words to which graph concept refers are clearly shown as:

The plan-and-goal graph and dictionary remained, increasing in importance. As system functionality grew, a common

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automated tools to maintain and update its structure and dictionary.

This clearly shows that graph concept does not refer to *concept graphs*, and clearly is not related to a *knowledge base*. For these reasons, the OA does not establish a *prima facie* case of obviousness with respect to Claim 22. The undersigned requests that the rejection be withdrawn.

Regarding Claim 24 and claims dependent thereon, as unpatentable over AMADO in view of BANKS.

For the reasons cited with regard to Claim 21 and Claim 22, the undersigned requests that the rejection of Claim 24 be withdrawn.

Regarding the Claim Rejections Under 35 U.S.C. § 103 as Unpatentable Over AMADO in View of SHASHA.

Regarding Claims 11 and 20 as unpatentable over AMADO in view of SHASHA.

The OA asserts:

Amado teaches: the inference engine, claim 11 and determining a goal, claim 20 (As discussed above). Amado does not teach: non-monotonic truth maintenance system. However, Shasha teaches the same (Col. 3, lines 38-42). Friedman et al and Shasha both employ AI procedures to solve problems relating to various commercial areas or domains. While Amado relating to AI, decision support application and expert systems for auditing a company's business unit goals, Shasha teaches non-monotonic truth maintenance system. It would have been obvious to one of ordinary skill in the relevant art at the time of

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First, contrary to the assertion in the OA, AMADO does not teach determining a goal (see remarks directed to the rejection of Claim 1 above).

Second, the OA cites the following section of SHASHA:

However, in a nonmonotonic truth maintenance system this conclusion <'Tweety can fly' based on knowing that 'Tweety is a bird'> will be discarded if the system acquires the fact that 'Tweety is a penguin'. Thus, 'Non -monotonic' systems allow the drawing of believed conclusions that may later be retracted." C03 L38-42 <parentheticals added for clarity>.

SHASHA does not teach the use of truth maintenance systems in as claimed. SHASHA merely provides an example and some background on non-monotonic truth maintenance systems. There is no suggestion in SHASHA or AMADO to use a non-monotonic truth maintenance system to create a plan to satisfy the determined goal, as claimed in the present application.

Regarding the Claim Rejections Under 35 U.S.C. § 103 as Unpatentable Over FRIEDMAN in View of BANKS and SHASHA.

Regarding Claim 5 as unpatentable over AMADO in view of SHASHA and BANKS.

The OA asserts:

Amado teaches: plan instances created by the inference engine (As discussed above), and Banks et al teach: concept graphs (As discussed above). Both Amado and Banks et al do not teach: non-monotonic model. However, Shasha teaches the same (Col. 3, lines 38-42, said non-monotonic truth maintenance system inferring non-monotonic modeling or model). While Amado relating to AI, decision support application and expert systems for auditing a company's business unit goals, Banks et al's Pilot Associate system

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al's invention, thereby providing a system for an interactive process entailing improved representation of networks of facts, belief and expectations so that a user would acquire qualified statements of knowledge from the system as desired in real time.

In addition to earlier remarks noting that AMADO does not teach or suggest *plan instances* created by an *inference engine*. Further BANKS, at P23 C01 L25-28, specifically discloses the need to continue the graph concept led to the development of automated tools. This reference, the only portion of BANKS to mention the words "concept" and "graph" in the same sentence, is completely unrelated to the use of concept graphs.

The OA then cites the following section of SHASHA:

However, in a nonmonotonic truth maintenance system this conclusion <'Tweety can fly' based on knowing that 'Tweety is a bird'> will be discarded if the system acquires the fact that 'Tweety is a penguin'. Thus, 'Non-monotonic' systems allow the drawing of believed conclusions that may later be retracted." C03 L38-42 <parenthetical added for clarity>.

SHASHA does not teach the use of a non-monotonic model of economic benefit in a supply chain management system as claimed. SHASHA merely provides an example and some background on non-monotonic truth maintenance systems. There is no suggestion in SHASHA, FRIEDMAN, or BANKS to use a non-monotonic model of economic benefit as claimed in the present application. In addition, the limitations of this claim clearly show a distinction between the plan and the determined goal. This is counter to FRIEDMAN where the plan is the goal.

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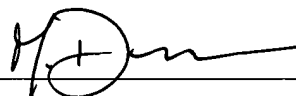
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CONCLUSION

With consideration of the above remarks, the undersigned submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned, in person or over the telephone, we would welcome the opportunity to do so.

Respectfully submitted,

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